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Docket No. VTN568CIP3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Enns, et al.

Serial No. : 10/734,762

Art Unit:

Filed : December 11, 2003

Examiner:

For : ANTIMICROBIAL CONTACT LENSES AND METHODS FOR THEIR
PRODUCTION

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August 25, 2004
(Date of Deposit)

Kathy L. Willan
(Name of applicant, assignee, or Registered Representative)

Kathy L. Willan
(Signature)

August 25, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☒ Please charge Deposit Account No. 10-0750/VTN568CIP3/KAH the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

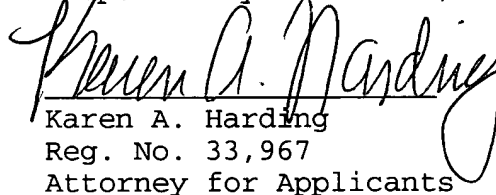
☒ The relevance of those listed references which are not in the English language is as follows: Machine translations have been provided.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

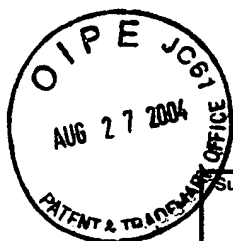
☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/VTN-568CIP3/KAH. This form is submitted in triplicate.

Respectfully submitted,


Karen A. Harding
Reg. No. 33,967
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(904) 443-3074
DATED: August 25, 2004



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 4

Application Number	10/734,762
Filing Date	December 11, 2003
First Named Inventor	John Enns
Group Art Unit	
Examiner Name	
Attorney Docket Number	VTN568CIP3

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,808,178		Gaylord	04-30-1974	
		3,854,982		Aelion et al.	12-17-1974	
		3,916,033		Merrill	10-28-1975	
		4,120,570		Gaylord	10-17-1978	
		4,136,250		Mueller et al.	01-23-1979	
		4,153,641		Deichert et al.	05-08-1979	
		4,330,383		Ellis et al.	05-18-1982	
		4,740,533		Su et al.	04-26-1988	
		4,920,184		Schäfer et al.	04-24-1990	
		4,973,493		Guire	11-27-1990	
		5,002,794		Ratner, et al.	03-26-1991	
		5,034,461		Lai et al.	07-23-1991	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		EP	080539	B1	Tsuetaki, George F.	05-07-1986		
		EP	1050314	A1	Healthshield Technologies LLC	11-08-2000		
		EP	406161	B1	Ciba-Geigy AG	02-22-1995		
		JP	2000016905		Tokuriki Kagaku	01-18-2000		
		WO	9421698	A1	Bausch & Lomb, Inc.	09-29-1994		
		WO	0127662	A1	Johnson & Johnson Vision Care, Inc.	04-19-2001		
		WO	9300391	A1	Biointeractions Limited	01-07-1993		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 4

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		Number	Kind Code ² (if known)			
		5,070,215		Bambury et al.	12/03/1991	
		5,213,801		Sakuma et al.	5/25/1993	
		5350800		Verhoeven et al.	09-27-1994	
		5,422,402		Bowers et al.	06-06-1995	
		5,453,467		Bamford et al.	09-26-1995	
		5,710,302		Kunzler et al.	01-20-1998	
		5,712,327		Chang et al.	01-27-1998	
		5,760,100		Nicolson et al.	06-02-1998	
		5,776,999		Nicolson et al.	06-07-1998	
		5,789,461		Nicolson et al.	08-04-1998	
		5,849,811		Nicolson et al.	12-15-1998	
		5,998,498		Vanderlaan et al.	12-07-1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		WO	0026698	A1	Allergan Sales, Inc.	05-11-2000		
		WO	0022460	A1	Pharmacia & Upjohn	04-20-2000		
		WO	9929750	A1	Essilor International	06-17-1999		
		WO	9927978	A1	Hoya Healthcare	06-10-1999		
		WO	0022459	A1	Pharmacia & Upjohn	04-20-2000		

Examiner
Signature

Date

Considered

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Sheet 3 of 4

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		Number	Kind Code ² (if known)			
		6,087,415		Vanderlaan et al.	07-11-2000	

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Sheet 4 of 4

Application Number	10/734,762
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First Named Inventor	John Enns
Group Art Unit	
Examiner Name	
Attorney Docket Number	VTN568CIP3

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature	Date Considered
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